

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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HARRY H. KUTNER, JR., individually and on
behalf of all similarly situated Nassau County
residents eligible to bear arms,

Plaintiffs,
- against -

ORDER TO SHOW CAUSE

COUNTY OF NASSAU, and

CV # 22-07530

BRUCE A. BLAKEMAN, personally and in his
official capacity as Nassau County Executive, and

AZRACK, J.

PATRICK J. RYDER, personally and in his official
capacity as Nassau County Police Commissioner,

LINDSAY, M.J.

Defendants.

-X

UPON READING AND FILING the within order to show cause,
and the affirmation of HARRY H. KUTNER, JR., ESQ. dated the 14th day of
February, 2023, and upon the Summons, Complaint, and Memorandum of
Law,

LET the defendants, COUNTY OF NASSAU, BRUCE A.
BLAKEMAN, and PATRICK J. RYDER, all show cause before the U.S. District
Judge presiding, at the courthouse thereof located at 100 Federal Plaza,
Central Islip, New York 11722, on the day of February, 2023, at o'clock
in the fore/postnoon of that day or as soon thereafter as counsel may be
heard, why an order should not be entered:

1. pursuant to FRCP 65 based on U.S. Constitution, Amendment II, and USC §§ 1981, 1983, and 1985, for a TRO-Preliminary Injunction ordering defendants to issue an unrestricted pistol license to plaintiff, HARRY H. KUTNER, JR., on the ground that it is constitutionally required and necessary for plaintiff's personal safety due to his age, the nature of his law practice, and his pressing need for the license pending the prosecution of this action, which due to its Constitutional basis, class action procedure, and widespread effect, is likely to be protracted; and
2. pursuant to FRCP 26:
 - A. ordering defendants to provide their "Initial Disclosure" within ten (10) days;
 - B. ordering defendants to provide a list of all pistol licenses from 2010 to date:
 - 1) issued as renewals;
 - 2) issued as new licenses;both categories to be provided with any-all supporting documentation;

3. pursuant to FRCP 65 based on U.S. Constitution, Amendments I, II, and IV, and 42 USC §§ 1981, 1983, and 1985, for a TRO-Preliminary Injunction barring defendants from requiring license applicants from having to:
 - A. submit to a urinalysis;
 - B. provide Social Media accounts and passwords therefor;
 - C. provide character reference affidavits from a restricted pool of individuals;
 - D. provide lifetime DMV history;
4. for any such other and further relief which is just, equitable, and proper.

SUFFICIENT REASON APPEARING THEREFOR from the papers in support of this Order to Show Cause, it is

ORDERED, that defendants, COUNTY OF NASSAU, BLAKEMAN, and RYDER, and their attorneys, agents, subordinates, employees, and anyone acting on their behalf or at their behest, are all hereby stayed, pending the determination of this motion brought by Order to Show Cause, from taking any action with respect to plaintiff, HARRY H. KUTNER, JR.'s

pistol license, such as such as suspension, revocation, restriction, or other diminution, excepting re-issuance of it as a "full carry" pistol license; and it is further

ORDERED, that service copies of the within Order to Show Cause together with the papers upon which it was granted, be made on or before March , 2023 at 5:00 p.m., upon the defendants by Email or personal delivery to the HON. THOMAS A. ADAMS, Nassau County Attorney, at his office located at One West Street, Mineola, New York 11501.

E N T E R,

HON. JOAN M. AZRACK
U.S. District Judge

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

HARRY H. KUTNER, JR., et al.,

Plaintiffs,

-against-

COUNTY OF NASSAU, et al.,

Defendants.

ORDER TO SHOW CAUSE WITH AFFIRMATION IN SUPPORT

HARRY H. KUTNER, JR.

Attorney(s) for

Plaintiffs

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GARDEN CITY, NEW YORK 11530
(B) 516-741-1400.
(P) 516-741-8712
(E) HHKUTNERLAW@GMAIL.COM

Pursuant to 22 NYCRR 130-1.1-a, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.41-a.

Dated:

Signature

HARRY H. KUTNER, JR.

Service of a copy of the within

is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

NOTICE OF ENTRY
that the within is a (certified) true copy of a
entered in the office of the clerk of the within-named Court on

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NOTICE OF SETTLEMENT
that an Order of which the within is a true copy will be presented for settlement to the
Hon. _____, one of the judges of the within-named Court,
at _____
on _____

20 , at M.

Dated:

HARRY H. KUTNER, JR.

Attorney(s) for